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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

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11 BREND A M. JOHNSON,

12 Plaintiff,

13 v.

14 TERRY LEE REMBERT, et al.,

15 Defendants.

CASE NO. 19-5529 RJB

ORDER DISMISSING CASE

16 THIS MATTER comes before the Court *sua sponte* on review of the file. The Court has  
17 considered the file and is fully advised.

18 On October 10, 2019, a Report and Recommendation was filed, recommending that the  
19 Court deny the Plaintiff's application to proceed *in forma pauperis* ("IFP") (Dkt. 1) because of  
20 deficiencies in the proposed amended complaint. Dkt. 8. The Report and Recommendation  
21 noted that the Plaintiff was given notice of the deficiencies in her proposed complaint and was  
22 given an opportunity file an amended complaint to address those deficiencies. Dkt. 8. The  
23 Plaintiff filed a proposed amended complaint. Dkt. 4. After review of the proposed amended  
24 complaint, the Report and Recommendation noted the deficiencies continued - the Plaintiff's

1 amended complaint failed to state a cognizable claim under 42 U.S.C. § 1983 and that some of  
2 the claims are barred by the Rooker-Feldman doctrine and the Eleventh Amendment. Dkt. 8.  
3 Accordingly, it recommended IFP be denied. Dkt. 8.

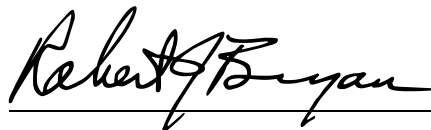
4 Over the Plaintiff's objections, the undersigned adopted the Report and Recommendation  
5 and denied the Plaintiff's application to proceed IFP. Dkt. 11. The Plaintiff was ordered to pay  
6 the \$400.00 filing fee by November 22, 2019. *Id.* She was notified that the failure to do so  
7 would result in dismissal of the case without prejudice. *Id.* She did not pay the fee and filed a  
8 Motion for Reconsideration. Dkt. 12. The Plaintiff's Motion for Reconsideration was denied on  
9 November 25, 2019. Dkt. 13. The Plaintiff was given until December 2, 2019 to pay the filing  
10 fee and was notified that failure to do so would result in the case being dismissed. *Id.*

11 The Plaintiff failed to pay the \$400.00 filing fee. This case should be dismissed without  
12 prejudice.

13 **IT IS SO ORDERED.**

14 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
15 to any party appearing *pro se* at said party's last known address.

16 Dated this 5<sup>th</sup> day of December, 2019.

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19 ROBERT J. BRYAN  
20 United States District Judge  
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